

2025:PHHC:150858



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33709-2025
Date of decision: November 03, 2025

Nirmal Singh @ Kaka
.....Petitioner
versus
State of Punjab
.....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Pradeep Virk, Senior Advocate with
Mr. Arvind Sachdeva, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) for grant of concession of anticipatory bail to the petitioner in case FIR No.56 dated 28.02.2025, registered for offences punishable under Section 21(c) of NDPS Act, 1985 (Section 29 of the NDPS Act added later on), at Police Station Anti Narcotics Force (ANTF), District ANTF Wing (Jalandhar).

2. On 10.07.2025, the following order was passed:

*“Petitioner's counsel seeks interim relief and on instructions submits that petitioner has no objection if this Court imposes any stringent condition including surrender of firearms.
The investigation conducted, and the evidence collected against the petitioner are referenced in the status report dated 09.07.2025 filed by the DySP Jalandhar, Punjab.
State counsel seeks time to place on record call details record.
After reviewing the evidence collected thus far and considering the seriousness of the crime, this Court is of the considered opinion that joining of petitioner and further investigation is necessary in this case.*

To enable the petitioner to join interrogation without any duress or coercion, the petitioner makes a case for continuing the order of stay of arrest until further order. The Commissioner of Police/SP concerned is to file a fresh status report mentioning the evidence collected against the petitioner.

Given above, this Court is granting a stay of arrest; however, if the petitioner is found to be in custody in any other case, this order granting a stay of arrest will not be valid or enforceable and will be automatically recalled.

The petitioner is directed to join the investigation and after that as and when required by the Investigator. The petitioner will be considered in deemed custody under Section 27 of the Indian Evidence Act, 1872, and Section 23 of BSA, 2023. Throughout the investigation, the petitioner shall not be subjected to third-degree methods, inappropriate language, inhumane treatment, and so on. Investigator is directed to find out evidence i.e. connectivity of petitioner with co-accused on phone, petitioner's location, statements of the people of vicinity and other digital evidence, financial transaction with co-accused and produce before the Court.

Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

Given the undertaking by petitioner's counsel, petitioner shall surrender his firearms, if any, within fifteen days from today. It is clarified that if the petitioner fails to comply with this order, the protection will be revoked on the next date.

List on 05.08.2025.

Let fresh status report be filed by the concerned investigator, mentioning call details of petitioner, statement of account from where transactions are made and other connectivity of the petitioner with the co-accused and other evidence.”

2.1. Thereafter, on 02.09.2025, the following order was passed:

“The investigation conducted and the evidence collected against the petitioner are referenced in the fresh status report dated 09.07.2025, which is filed by the State today and the same is taken on record.

The evidence collected thus far consists of either disclosure from the other accused. Such types of evidence are subject to the legislative restrictions imposed by Sections 25 and 26 of the Indian Evidence Act, 1872, and Section 23 of the BSA, 2023.

Therefore, even after interrogation, the police did not collect evidence such as call records, the petitioner's visits with the other accused, bank transactions, other business dealings, or digital evidence.

After reviewing the evidence collected thus far and considering the seriousness of the crime, this Court is of the considered opinion that further investigation is necessary in this case.

Given the above, further interrogation of the petitioner is necessary to gather and collect the following evidence:

A. Call details.

B. Financial transactions.

C. Tower location

D. Connections with the co-accused

E. Evidence from people in the vicinity.

F. Evidence from the Social media connections, etc.

To enable the petitioner to join the interrogation without any duress or coercion, the petitioner makes a case for continuing the order of stay of arrest until further order. The Commissioner of Police/SSP

concerned is to file a fresh status report, mentioning the evidence collected against the petitioner.

The petitioner is directed to join the investigation on September 09, 2025 to September 11, 2025 at 10:00 AM and thereafter as and when called upon to do so by the investigator. The petitioner will be considered in deemed custody under Section 27 of the Indian Evidence Act, 1872, and Section 23 of the BSA, 2023. Throughout the investigation, the petitioner shall not be subjected to third-degree methods, inappropriate language, or inhumane treatment.

Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

Interim protection is extended subject to the petitioner joining the investigation as directed. If the petitioner fails to comply, the protection will be revoked on the next date.

List on 03.11.2025.”

3. Status report by way of an affidavit dated 02.11.2025 of Jagjit Singh Saroya, PPS, Assistant Inspector General of Police, Anti Narcotics Task Force, Jalandhar Range, Jalandhar has been filed in the Court today, which is taken on record. Learned State counsel (on instructions) has submitted that pursuant to the order dated 10.07.2025, the petitioner has joined investigation and his custodial interrogation is not required.

4. Keeping in view the factual milieu of the case in hand, especially the factum of the petitioner having joined investigation, he is not required for custodial interrogation, and he being arrayed as an accused on the basis of disclosure statement, this Court is inclined to confirm the order dated 10.07.2025, in light of the dicta of judgment passed by this Court in ***CRM-M-54032-2024 ‘Ashu Vs. State of Punjab’*** and the judgment passed by the Hon’ble Supreme Court in ***‘Jugraj Singh Vs. State of Haryana’*** bearing ***Special Leave to Appeal (Crl.) No.9190/2025***.

5. Accordingly, the petition is allowed, and the order dated 10.07.2025 granting interim anticipatory bail to the petitioner is hereby made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.

6. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS or upon showing any other sufficient cause.
8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
9. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

November 03, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No